

Message Text

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ACTION EB-07

INFO OCT-01 ARA-06 IO-13 ISO-00 L-03 FTC-01 JUSE-00 SEC-01

SP-02 AID-05 NSC-05 CIEP-01 TRSE-00 SS-15 STR-04

OMB-01 CEA-01 CIAE-00 COME-00 FRB-03 INR-07 NSAE-00

XMB-02 OPIC-03 LAB-04 SIL-01 DODE-00 PM-04 H-02 PA-01

PRS-01 NSCE-00 SSO-00 USIE-00 INRE-00 /094 W

----- 112148

O 222215Z JUL 76

FM AMEMBASSY BRASILIA

TO SECSTATE WASHDC IMMEDIATE 6950

INFO USMISSION GENEVA IMMEDIATE

C O N F I D E N T I A L BRASILIA 6452

E. O. 11652: GDS

TAGS: PGOV, PFOR, UZSF ECOSOC, BR

SUBJECT: 61ST ECOSOC: U.S. PROPOSAL ON ILLICIT PAYMENTS

REFS: A. STATE 180891, B. STATE 179170, C. GENEVA 5620

1. IN A MEETING WITH FOREIGN MINISTER SILVEIRA ON JULY 21, I RAISED THE QUESTION OF THE U.S. PROPOSAL ON ILLICIT PAYMENTS, SAYING THAT I WANTED TO TALK IN DEPTH WITH EITHER HIM OR SECRETARY GENERAL GUERREIRO, DEPENDING ON WHICH OF THEM WAS FOLLOWING MORE CLOSELY THIS MATTER OF GREAT IMPORTANCE TO THE USG. I OUTLINED THE POSITION BRIEFLY TO SILVEIRA. HE SAID THAT HE WAS GENERALLY INFORMED BUT GUERREIRO WAS MORE KNOWLEDGEABLE AND WAS ACTUALLY OVERSEEING THE BRAZILIAN POSITION. HE RECOMMENDED THAT I TALK TO GUERREIRO.

2. I SAW GUERREIRO THIS AFTERNOON (JULY 22), USING A DETAILED TALKING PAPER (A COPY OF WHICH I LEFT WITH HIM) BASED ON THE REFERENCES AND OTHER PERTINENT TELEGRAMS.

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3. GUER

EOSAED THAT THE "CENTRAL INCERZOFHE
GOB WAS THAT THE USPOPOSL WOULD "DETRACT" F
OMTHE
ARK ON THE TNC
CODE. HE SAID HAT THE GOB RECOGNIZED
THE IMPORTANCE OF THE BRIBERY ISSUE BUT DID NOT CONSIDER
IT TO BE THE MOST SIGNIFICANT OF THE PROBLEMS AFFECTING
TNC'S INSASMUCH AS THE CONTROL OF ILLICIT PAYMENTS WAS
FUNDAMENTALLY DEPENDENT ON "THE HEALTH OF A SOCIETY". AT
ONE POINT HE USED THE EXPRESSION "SIDESHOW" IN REFERRING
TO THE ISSUE. HE ACKNOWLEDGED ON HIS OWN, HOWEVER, THAT, DESPITE
THE EXISTENCE OF NATIONAL LAWS, THERE HAD TO BE INTERNA-
TIONAL COOPERATION IF THE CRIMINAL ACTIVITY WAS TO BE
SUPPRESSED AND THAT AN INTERNATIONAL AGREEMENT WAS THE
MEANS TO THIS COOPERATION. HE LISTENED WITH CLOSE ATTENTION
TO, AND APPEARED TO ACCEPT, MY INSISTENCE THAT THE US
PROPOSAL -- ADDRESSED TO A NARROW, URGENT AND RIPE ISSUE
ON WHICH ALL COUNTRIES, BE THEY DEVELOPED OR DEVELOPING, HAD
A COMMUNITY OF INTEREST -- IN NO WAY DETRACTED FROM,
VITIATED, QUALIFIED OR WEAKENED THE EFFORTS TO PREPARE
A TNC CODE. HE RESPONDED POSITIVELY TO THE FACT THAT
WE WERE PREPARED TO HAVE AN APPROPRIATE AND CLEAR REFERENCE
ALONG THESE LINES IN THE PREAMBLE OF THE RESOLUTION.

4. IN THE GIVE AND TAKE, GUERREIRO PUT FORTH A SERIES
OF POSITIONS THAT MIGHT BE INTERPRETED AS PROGRESSIVELY
MORE FLEXIBLE. AT FIRST, HE SAID THAT BRAZIL WOULD NOT
BE AVERSE -- IN PRINCIPLE, HE EMPHASIZED -- TO THE "STUDY"
OF MEANS OF MEETING THE PROBLEM, INCLUDING THE POSSIBILITY
OF A CONVENTION. NEXT, HE DECLARED THAT BRAZIL WOULD NOT
BE AVERSE -- AGAIN IN PRINCIPLE -- TO AN EVENTUAL CONVENTION,
SHOULD THAT BE THE RESULT OF THE STUDY. ALONG THE WAY, I
STATED THAT FOR US REMANDING THE QUESTION FOR "STUDY" WAS
UNACCEPTABLE AND THAT IT WOULD APPEAR TO GENERAL OPINION
AS A COP-OUT, AN UNREADINESS TO DEAL WITH A PRESSING ISSUE
WHOSE NATURE WAS WELL-DEFINED. FINALLY, WHEN I TOLD HIM
THAT I HAD BEEN SPECIFICALLY INSTRUCTED TO REQUEST THAT
IF, CONTRARY TO OUR STRONG HOPES, BRAZIL COLD NOT SUPPORT
THE US DRAFT RESOLUTION, IT WOULD REMAIN NEUTRAL AND NOT
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OPPOSE US ON THIS MATTER OF SPECIAL IMPORTANCE TO US, HE
QUICKLY SAID: "WE ARE NOT CAMPAIGNING AGAINST THE
RESOLUTION, WE ARE CONSULTING THE OTHER LATIN
AMERICANS IN GENEVA." HE ADDED THAT MAYBE, SOMEHOW OR
OTHER, BRAZIL MIGHT COME TO BE ABLE TO ACCEPT SOME KIND
OF RESOLUTION LIKE THAT OF THE US.

5. AT THE END OF THE 40-MINUTE MEETING, GUERREIRO SAID

THAT HE UNDERSTOOD THE GREAT IMPORTANCE THE USG ATTACHED TO THE MATTER AND WOULD GET COPIES OF MY TALKING PAPER, WHICH HE CONSIDERED VERY CLEAR AND HELPFUL, TO SILVEIRA AND THE CHIEF OF THE ECONOMIC DEPARTMENT RIGHT AWAY SO THAT THE THREE OF THEM COULD REVIEW THE SITUATION.

6. COMMENT: I BELIEVE THAT GUERREIRO WAS IMPRESSED BY THE FIRMNESS OF OUR POSITION AND THE IMPORTANCE WE GIVE THE QUESTION. I CANNOT SAY THAT THE GOB WILL COME AROUND TO SUPPORTING US, BUT I DO THINK THAT AT LEAST THEY WILL BE CAREFUL ABOUT LOBBYING AGAINST US.
CRIMMINS

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